

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE TERRORIST ATTACK
ON SEPTEMBER 11, 2001

Civil Action No. 03 MDL 1570 (RCC)
ECF Case

This document relates to:

Ashton v. Al Qaeda Islamic Army, 02-CV-6977
Burnett v. Al Baraka Inv. & Dev. Corp., 03-CV-9849
Continental Cas. Co. v. Al Qaeda, 04-CV-5970
New York Marine & Gen. Ins. Co. v. Al Qaida, 04-CV-6105
World Trade Ctr. Props. LLC v. Al Baraka Inv. & Dev. Corp., 04-CV-7280

**NOTICE OF MOTION TO DISMISS OF JAMAL BARZINJI PURSUANT TO RULE
12(B)(6) FOR FAILURE TO STATE A CLAIM**

PLEASE TAKE NOTICE that pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, and upon the memorandum of law attached hereto, the Defendant Jaml Barzinji, by and through undersigned counsel, will move the Court, before the Honorable Richard C. Casey, U.S.D.J., at the United States District Court, Southern District of New York, 500 Pearl Street, New York, New York, 10007, on at a date and time to be determined by the Court, for an order dismissing all of the claims asserted against him in *Ashton*, *Burnett*, *N.Y. Marine*, *Continental* and *World Trade Center* pursuant to Rule 12(b)(6) for failure to state a claim upon which relief can be granted.

Respectfully submitted,

Dated: December 7, 2005

By: /s/ Nancy Luque
Nancy Luque (NL-1012)
Jay Hanson (admitted *pro hac vice*)
Steven K. Barentzen (SB-8777)
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CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of December, 2005, I caused an electronic copy of the foregoing Notice Of Motion To Dismiss Of Jamal Barzinji Pursuant To Rule 12(B)(6) For Failure to State a Claim to be served by the Court's electronic filing system upon all parties scheduled for electronic notice.

/s/ Steven K. Barentzen
Steven K. Barentzen (SB-8777)